



# **CITY OF BELMONT**

## **QUIMBY LAND DEDICATION REQUIREMENT AND IN-LIEU FEE STUDY**

OCTOBER 2014  
FINAL REPORT

PREPARED FOR:  
**BELMONT CITY COUNCIL**

PREPARED BY:  
**SCIConsultingGroup**  
4745 MANGELS BOULEVARD  
FAIRFIELD, CA 94534  
PHONE 707.430.4300  
FAX 707.430.4319  
[www.sci-cg.com](http://www.sci-cg.com)

## **CITY OF BELMONT**

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Jonathan Gervais

### **CITY ATTORNEY**

Scott Rennie

### **LEGAL COUNSEL**

Barbara E. Kautz, Goldfarb & Lipman LLP

### **CONSULTANT**

Blair Aas, SCI Consulting Group

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## EXECUTIVE SUMMARY

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### INTRODUCTION

The California Government Code contains specific enabling legislation for the dedication of land or fee in lieu of land dedication for neighborhood and community parks by a city, county or special district. This legislation, codified as Section 66477 of the Government Code and known commonly as the "Quimby Act," also establishes the criteria for determination the land dedication requirement and in-lieu fee based on specific park standards.

There are two factors that determine the amount of land that may be required to be dedicated for a new subdivision. These factors are multiplied by the number of respective dwelling units for the proposed subdivision to determine acreage to be dedicated for neighborhood and community parks. In some instances, the payment of a fee in lieu of land may be considered. In this case, the Quimby dedication requirement is multiplied by the fair-market of the land which would be otherwise be required to be dedicated for parks to establish the Quimby in-lieu fee.

This Quimby Dedication Requirement and In-Lieu Fee Study ("Study") presents a recalculation of the three factors that determine City's Quimby land dedication requirement and In-Lieu Fees. Additionally, this Study makes specific recommendations for changes in the City's Quimby Ordinance.

### SUMMARY OF KEY FINDINGS

Based on a review of the Quimby Act, the 2010 U.S. Census, and the City's Quimby Ordinance, the following key findings are presented:

1. The City's current Quimby land dedication requirement and in-lieu fee are based on 5 acres per 1,000 residents; an average household size of 2.71 persons for a single-family detached home, 2.41 persons for a single-family attached home and 1.72 person per multi-family unit; and land value at \$2,400,000 per acre.
2. The City's current land dedication requirement and in-lieu fee are shown on the following page.

FIGURE 1 – CURRENT QUIMBY DEDICATION REQUIREMENT AND IN-LIEU FEE

Residential Land Use	Quimby Dedication Requirement (per sq. ft.)	Quimby In-Lieu Fee (per unit)
Single-Family Detached Housing	590	\$32,507
Single-Family Attached Housing	525	\$28,926
Multi-Family Housing	375	\$20,661

- Based on the City's current park inventory and population, the City has 3.87 acres per 1,000 residents. Therefore, the City's maximum dedication requirement allowed under the Quimby Act is 3.87 acres of land for every new 1,000 residents.
- Based on 2010 U.S. Census information, the average household size for single-family detached homes, single-family attached homes and multi-family units is 2.69, 2.39 and 2.01 persons per dwelling unit, respectively, for the City of Belmont.
- For the purpose of determining the Quimby in-lieu fees, the fair market value of land in the City is estimated to be \$2,928,000 per acre.

#### SUMMARY OF GENERAL RECOMMENDATIONS

Based on the findings presented in this Study, the following general recommendations are presented:

- The City may establish a Quimby land dedication requirement based on 3.87 acres per 1,000 residents and average dwelling unit occupancy based on figures from the 2010 U.S. Census for the three residential land use categories shown below.

FIGURE 2 – QUIMBY DEDICATION REQUIREMENT

Residential Land Use	Justified Quimby Land Dedication Requirement
	<i>Square Feet per Unit</i>
Single-Family Detached Housing	453
Single-Family Attached Housing	403
Multi-Family Housing	339

2. The City may amend the City's Quimby in-lieu fee to reflect the new Quimby land dedication requirement and land values of \$2,928,000 per acre. The in-lieu fee is presented in the following table.

FIGURE 3 – QUIMBY IN-LIEU FEE

Residential Land Use	Justified Quimby In-Lieu Fee
	<i>Per Dwelling Unit</i>
Single-Family Detached Housing	\$30,450
Single-Family Attached Housing	\$27,089
Multi-Family Housing	\$22,787

3. The City should periodically conduct a review of the fair market value of land in the City. If land values change significantly in either direction, the Quimby in-lieu fee should be adjusted accordingly.
4. If a subdivider disputes the land value used to determine the in-lieu fee, the value shall be determined by a qualified real estate appraiser retained by the City. All cost to obtain such appraisal will be borne by the subdivider.
5. The Quimby land dedication requirement and in-lieu fee should be adopted and implemented in accordance with the applicable provisions of the Quimby Act (California Govt. Code § 66477).
6. The Quimby land dedication requirement and/or in-lieu fee only mitigate the cost of land to provide new parks. Park impact fees include only the cost of required improvements to parkland and are not duplicated with the City's Quimby program.<sup>1</sup>

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<sup>1</sup> This Study was prepared parallel to a Park Impact Fee Nexus Study to establish the legal and policy basis for the imposition of park impact fees to fund the development of parks, trails and open space.

## DETERMINATION OF QUIMBY LAND DEDICATION REQUIREMENT

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### QUIMBY LAND STANDARD

Under the Quimby Act, the dedication of land, or payment of fees, or both, cannot exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within the subdivision, unless the amount of existing neighborhood and community park area exceeds that limit, in which case the calculated amount may be adopted as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision.

Based on the City's current park inventory, City residents are currently served by approximately 101.73 acres of park area. With a current population of approximately 26,316, this represents a ratio of 3.87 acres of neighborhood and community park land for every 1,000 residents of the City.

Since the City's existing park area exceeds 3 acres per 1,000 residents, the City's maximum dedication requirement and/or fee allowed under the Quimby Act is the City's current ratio – 3.87 acres of park land for every 1,000 residents.

### DWELLING UNIT OCCUPANCY FACTORS

Pursuant to Govt. Code § 64477(a)(2), the amount of land dedicated or fees paid shall be based upon a project's population density, which shall be in part determined based on the average number of persons per household according to the most recent federal census.

Since the need for and demand for park and recreational services is inherently driven by population and since different residential land uses have varying household sizes, it is recommended that the land dedication requirement and in-lieu fees be expressed on a per unit based on their respective average household size for three residential land use categories.

The three residential land use categories are as follows:

- "Single-family detached" means free-standing one-family dwelling units;
- "Single-family attached" means one-family dwelling units on separate parcels that share a common wall, such as townhomes; and
- "Multi-family residential" means buildings or structures designed for two or more families for living or sleeping purposes and having a kitchen and bath facilities for each family. This category also includes mobile homes.



Based on figures from the 2010 U.S. Census, figure 3 below presents the determination of dwelling unit occupancy factors for three residential land use categories.

**FIGURE 4 – DWELLING UNIT OCCUPANCY FACTORS (CITY OF BELMONT)**

Land Use Categories	Occupied Dwelling Units	Total Number of Occupants	Dwelling Unit Occupancy Factors
	Calc a	b	c = a / b
Single-Family Detached	6,092	16,387	2.69
Single-Family Attached	545	1,303	2.39
Multi-Family Residential	3,654	7,341	2.01
Average (2010 Census)	10,291	25,031	2.43

Source: U.S. Census Bureau

**QUIMBY DEDICATION REQUIREMENT**

Based on the City's Quimby standard of 3.87 acres per 1,000 residents allowed under the Quimby Act, the formula for calculating the dedication of land for the City within the City of Belmont is as follows:

$$\begin{array}{ccccc} \text{Proposed} & & \text{Dwelling Unit} & & \text{Quimby} \\ \text{Number of} & \times & \text{Occupancy} & \times & \text{Standard} \\ \text{Units by} & & \text{Factor} & & \text{(0.00387} \\ \text{Housing Type} & & & & \text{acres per} \\ & & & & \text{capita)} \end{array}$$

Figure 4 on the following page presents the City's Quimby land dedication requirement expressed on a square footage of land basis for three residential land uses. As shown, the average number of persons per dwelling unit is determined on the basis of the housing type and the average household size for such land uses as of the 2010 U.S. Census.

**FIGURE 5 – JUSTIFIED QUIMBY LAND DEDICATION REQUIREMENT**

Residential Land Use	Average Household Size <sup>1</sup>		Quimby Standard (Acres Per 1,000 Population) <sup>2</sup>	Allowable Square Footage per Dwelling Unit
	Calc	a	b	c = (a * b) / 1,000 * 43,560
Single-Family Detached Housing		2.69	3.87	453
Single-Family Attached Housing		2.39	3.87	403
Multi-Family Housing		2.01	3.87	339

Notes:

<sup>1</sup> Based on figures from 2010 U.S. Census for the City of Belmont.

<sup>2</sup> The District's maximum allowable land per 1,000 residents standard under the Quimby Act.

For example, a 250 single-family home subdivision would require a 2.60 acre land dedication for park and recreational facilities.

$$\begin{array}{ccccc} 250 & & 453 & & 113,250 \text{ Sq. Ft or} \\ \text{Single-Family Lots} & \times & \text{Required Land} & = & \text{2.60 Acres of Land} \\ & & \text{Area (sq. ft.) per} & & \text{Dedication for the} \\ & & \text{Single-Family Lot} & & \text{Subdivision} \end{array}$$

## DETERMINATION OF QUIMBY IN-LIEU FEES

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For proposed subdivisions containing fewer than 50 parcels, the Quimby Act allows for the payment of fees (“Quimby in-lieu fees”) in lieu of land dedication.<sup>3</sup> The purpose of in-lieu fees is to accumulate enough funding from several developers to acquire land for the development of neighborhood and community parks within the City where the fees are collected. Moreover, while land dedication may be required for larger subdivisions, the City may require in-lieu fees only, or a combination of land dedication and in-lieu fees, to meet the park and recreation goals of the City.

### FAIR MARKET LAND VALUE FOR PARKS

In January 2008, the City retained real estate appraisers Hulberg & Associates, Inc. to conduct a land appraisal study. The study provided the City with a baseline land value for the land type normally acquired for City of Belmont parks. The land appraisal study found that the baseline market value for the land type normally acquired for City of Belmont neighborhood parks as of January 24, 2008 was \$2,400,000 per acre.

In order to adjust the appraised land value to reasonably approximate the fair market value of land today, a commonly used approach is to adjust the appraised land value by the percentage change in the median home sales price within the City between the approximate date of the increase and the effective date of the land appraisal. As reported by Zillow Real Estate Network, the median home sales price within the City was \$856,000 in December 2007 and \$1,046,000 as of November 30, 2013 – resulting in a 22% increase. Therefore, the fair market value of land in the City of Belmont is estimated to be \$2,928,000 per acre.

Figure 5 presents the calculation of the Quimby in-lieu fee is based on the City's justified land dedication requirement for single family detached housing, single family attached housing and multi-family housing and the new fair market land value of \$2,928,000 per acre.

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<sup>3</sup> However, when a multi-family development or stock cooperative exceeds 50 dwelling units, a dedication of land may be required, even though the number of parcels may be less than 50. *Govt. Code § 66477(a)(7)*

FIGURE 6 – JUSTIFIED QUIMBY IN-LIEU FEE

Residential Land Use	Quimby Dedication Requirement (per sq. ft.)	Quimby Land Acquisition Cost (per capita)	Quimby In-Lieu Fee (per unit)
Calc	a	b	$c = a * b / 43,560$
Single-Family Detached Housing	453	\$2,928,000	\$30,450
Single-Family Attached Housing	403	\$2,928,000	\$27,089
Multi-Family Housing	339	\$2,928,000	\$22,787

It is important to note that although the Quimby in lieu fee is calculated based on land value only, the Quimby Act allows in-lieu fee proceeds to be used for land acquisition, park development and the construction of new or rehabilitation of existing park and recreational facilities.

## APPENDICES

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Appendix A – Park Inventory

Appendix B – California Govt. Code § 66477 ("The Quimby Act")

## APPENDIX A – PARK INVENTORY

FIGURE 7 – PARK INVENTORY

Name of Park / Area	Acres
<b>Neighborhood Parks</b>	
Alexander Park	1.35
Cipriani Park	9.95
College View Park	0.11
Hallmark Park	5.21
Hastings Tot Lot	0.25
McDougal Park	3.01
O'Donnell Park	0.90
Patricia Wharton Park	0.10
Semeria Park	0.20
Wakefield Park	1.05
Dave Glen Park	1.09
Ralson Ranch Park	1.34
<b>Total Neighborhood Parks</b>	<b>24.56</b>
<b>Community Parks</b>	
Barrett Community Center	5.00
Belameda Park	2.89
Belmont Sports Complex	12.56
Twin Pines Park	19.82
<b>Total Community Parks</b>	<b>40.27</b>
<b>School Park Acres <sup>1</sup></b>	
Fox School	6.1
Ralston Middle School	7.4
Carlmont High School	13.5
Central School	3.4
Nesbit School	6.5
<b>Total School Park Acres</b>	<b>36.9</b>
Total Park Area	101.73
Population	26,316
Quimby Standard (per capita)	0.00387
<b>Quimby Standard (per 1,000 population)</b>	<b>3.87</b>

Notes:

<sup>1</sup> Represents only the area of school sites used for park and recreational activities.

## **APPENDIX B – CALIFORNIA GOVT. CODE § 66477 (“THE QUIMBY ACT”)**

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(a) The legislative body of a city or county may, by ordinance, require the dedication of land or impose a requirement of the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, if all of the following requirements are met:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of the subdivision or parcel map.

(2) The ordinance includes definite standards for determining the proportion of a subdivision to be dedicated and the amount of any fee to be paid in lieu thereof. The amount of land dedicated or fees paid shall be based upon the residential density, which shall be determined on the basis of the approved or conditionally approved tentative map or parcel map and the average number of persons per household. There shall be a rebuttable presumption that the average number of persons per household by units in a structure is the same as that disclosed by the most recent available federal census or a census taken pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4. However, the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three acres of park area per 1,000 persons residing within a subdivision subject to this section, unless the amount of existing neighborhood and community park area, as calculated pursuant to this subdivision, exceeds that limit, in which case the legislative body may adopt the calculated amount as a higher standard not to exceed five acres per 1,000 persons residing within a subdivision subject to this section.

(A) The park area per 1,000 members of the population of the city, county, or local public agency shall be derived from the ratio that the amount of neighborhood and community park acreage bears to the total population of the city, county, or local public agency as shown in the most recent available federal census. The amount of neighborhood and community park acreage shall be the actual acreage of existing neighborhood and community parks of the city, county, or local public agency as shown on its records, plans, recreational element, maps, or reports as of the date of the most recent available federal census.

(B) For cities incorporated after the date of the most recent available federal census, the park area per 1,000 members of the population of the city shall be derived from the ratio that the amount of neighborhood and community park acreage shown on the maps, records, or reports of the county in which the newly incorporated city is located bears to the total population of the new city as determined pursuant to Section 11005 of the Revenue and Taxation Code. In making any subsequent calculations pursuant to this section, the county in which the newly incorporated city is located shall not include the figures pertaining to the new city which were calculated pursuant to this paragraph. Fees shall be payable at the time of the recording of the final map or parcel map, or at a later time as may be prescribed by local ordinance.

(3) (A) The land, fees, or combination thereof are to be used only for the purpose of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision, except as provided in subparagraph (B).

(B) Notwithstanding subparagraph (A), fees may be used for the purpose of developing new or rehabilitating existing park or recreational facilities in a neighborhood other than the neighborhood in which the subdivision for which fees were paid as a condition to the approval of a tentative map or parcel map is located, if all of the following requirements are met:

- (i) The neighborhood in which the fees are to be expended has fewer than three acres of park area per 1,000 members of the neighborhood population.
  - (ii) The neighborhood in which the subdivision for which the fees were paid has a park area per 1,000 members of the neighborhood population ratio that meets or exceeds the ratio calculated pursuant to subparagraph (A) of paragraph (2), but in no event is less than three acres per 1,000 persons.
  - (iii) The legislative body holds a public hearing before using the fees pursuant to this subparagraph.
  - (iv) The legislative body makes a finding supported by substantial evidence that it is reasonably foreseeable that future inhabitants of the subdivision for which the fee is imposed will use the proposed park and recreational facilities in the neighborhood where the fees are used.
  - (v) The fees are used within a specified radius that complies with the city's or county's ordinance adopted pursuant to subdivision (a), and are consistent with the adopted general plan or specific plan of the city or county. For purposes of this clause, "specified radius" includes a planning area, zone of influence, or other geographic region designated by the city or county, that otherwise meets the requirements of this section.
- (4) The legislative body has adopted a general plan or specific plan containing policies and standards for parks and recreational facilities, and the park and recreational facilities are in accordance with definite principles and standards.
- (5) The amount and location of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.
- (6) (A) The city, county, or other local public agency to which the land or fees are conveyed or paid shall develop a schedule specifying how, when, and where it will use the land or fees, or both, to develop park or recreational facilities to serve the residents of the subdivision. Any fees collected under the ordinance shall be committed within five years after the payment of the fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. If the fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the subdivision in the same proportion that the size of their lot bears to the total area of all lots within the subdivision.
- (B) The city, county, or other local agency to which the land or fees are conveyed or paid may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction, including, but not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 members of the population.
- (7) Only the payment of fees may be required in subdivisions containing 50 parcels or less, except that when a condominium project, stock cooperative, or community apartment project, as those terms are defined in Sections 4105, 4125, and 4190 of the Civil Code, exceeds 50 dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than 50.



(8) Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this section. However, in that event, a condition may be placed on the approval of a parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the fee may be required to be paid by the owner of each parcel as a condition of the issuance of the permit.

(9) If the subdivider provides park and recreational improvements to the dedicated land, the value of the improvements together with any equipment located thereon shall be a credit against the payment of fees or dedication of land required by the ordinance.

(b) Land or fees required under this section shall be conveyed or paid directly to the local public agency which provides park and recreational services on a communitywide level and to the area within which the proposed development will be located, if that agency elects to accept the land or fee. The local agency accepting the land or funds shall develop the land or use the funds in the manner provided in this section.

(c) If park and recreational services and facilities are provided by a public agency other than a city or county, the amount and location of land to be dedicated or fees to be paid shall, subject to paragraph (2) of subdivision (a), be jointly determined by the city or county having jurisdiction and that other public agency.

(d) This section does not apply to commercial or industrial subdivisions or to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old when no new dwelling units are added.

(e) Common interest developments, as defined in Section 1351 of the Civil Code, shall be eligible to receive a credit, as determined by the legislative body, against the amount of land required to be dedicated, or the amount of the fee imposed, pursuant to this section, for the value of private open space within the development which is usable for active recreational uses.

(f) Park and recreation purposes shall include land and facilities for the activity of "recreational community gardening," which activity consists of the cultivation by persons other than, or in addition to, the owner of the land, of plant material not for sale.

(g) This section shall be known, and may be cited, as the Quimby Act.

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